

**EIGHTY-SEVENTH GENERAL ASSEMBLY
2018 REGULAR SESSION
DAILY
SENATE CLIP SHEET**

March 7, 2018

Clip Sheet Summary

Displays all amendments, fiscal notes, and conference committee reports for previous day.

Bill	Amendment	Action	Sponsor
<u>SJR 2006</u>	<u>S-5120</u>	Filed	ROBY SMITH
<u>SF 2243</u>	<u>S-5099</u>	Adopted	DENNIS GUTH
<u>SF 2293</u>	<u>S-5098</u>	Adopted	TIM KRAAYENBRINK
<u>SF 2311</u>	<u>S-5100</u>	Withdrawn	ROBERT M. HOGG
<u>SF 2311</u>	<u>S-5101</u>	Lost	ROBERT M. HOGG
<u>SF 2311</u>	<u>S-5102</u>	Withdrawn	ROBERT M. HOGG
<u>SF 2311</u>	<u>S-5103</u>	Adopted	MICHAEL BREITBACH
<u>SF 2311</u>	<u>S-5104</u>	Withdrawn	MATT McCOY
<u>SF 2311</u>	<u>S-5106</u>	Adopted	MICHAEL BREITBACH
<u>SF 2311</u>	<u>S-5107</u>	Withdrawn	ROBERT M. HOGG
<u>SF 2311</u>	<u>S-5108</u>	Lost	ROBERT M. HOGG
<u>SF 2311</u>	<u>S-5109</u>	Lost	ROBERT M. HOGG
<u>SF 2311</u>	<u>S-5110</u>	Lost	ROBERT M. HOGG
<u>SF 2311</u>	<u>S-5115</u>	Lost	ROBERT M. HOGG
<u>SF 2311</u>	<u>S-5116</u>	Lost	ROBERT M. HOGG
<u>SF 2333</u>	<u>S-5113</u>	Filed	RECEIVED FROM THE HOUSE
<u>SF 2343</u>	<u>S-5112</u>	Withdrawn	ROBERT M. HOGG
<u>SF 2343</u>	<u>S-5117</u>	Withdrawn	ROBERT M. HOGG
<u>SF 2346</u>	<u>S-5097</u>	Adopted	JAKE CHAPMAN

SF 2346	S-5114	Lost	DAVID JOHNSON
SF 2362	S-5105	Filed	AMY SINCLAIR
SF 2364	S-5111	Adopted	TIM KRAAYENBRINK
SF 2364	S-5118	Withdrawn	TOD R. BOWMAN
SF 2364	S-5119	Lost	TOD R. BOWMAN

Fiscal Notes

[SF 2197](#) — [Vehicle Theft and Subsequent Felony](#) (LSB5096XS)

[SF 2361](#) — [Student Debt Reduction](#) (LSB5982SV)

SENATE JOINT RESOLUTION 2006

S-5120

1 Amend Senate Joint Resolution 2006 as follows:

2 1. Page 1, by striking lines 3 through 18 and inserting:

3 <Section 4 of Article IV of the Constitution of the State
4 of Iowa, as amended by amendment number 1 of the Amendments of
5 1952 and by amendment number 1 of the Amendments of 1988, is
6 repealed and the following adopted in lieu thereof:

7 **Election by general assembly in case of tie — inability of**
8 **governor-elect to qualify — succession by lieutenant governor —**
9 **inauguration of governor and lieutenant governor upon removal of**
10 **inability of governor-elect to qualify. SEC. 4. The nominees**
11 **for governor and lieutenant governor jointly having the highest**
12 **number of votes cast for them shall be declared duly elected.**
13 **If two or more sets of nominees for governor and lieutenant**
14 **governor have an equal and the highest number of votes for**
15 **the offices jointly, the general assembly shall by joint vote**
16 **proceed, as soon as is possible, to elect one set of nominees**
17 **for governor and lieutenant governor.**

18 If after the final canvass of votes but before inauguration
19 the governor-elect has since died, does not qualify, or
20 is permanently unable to assume office, the lieutenant
21 governor-elect shall become governor upon inauguration, to the
22 exclusion of any other office, for the residue of the term.
23 In the event of a temporary inability of the governor-elect
24 to assume office, the lieutenant governor-elect shall become
25 governor upon inauguration, until the inability is removed, at
26 which time, the governor-elect and lieutenant governor-elect
27 shall be inaugurated as governor and lieutenant governor.

28 Section 10 of Article IV of the Constitution of the State of
29 Iowa is amended to read as follows:

30 **Vacancies. SEC. 10. When any office shall, from any cause,**
31 **become vacant, and no mode is provided by the constitution and**
32 **laws for filling such vacancy, the governor shall have power to**
33 **fill such vacancy, by granting a commission, which shall expire**
34 **at the end of the next session of the general assembly, or at**
35 **the next election by the people. The governor shall have the**

1 power to fill a vacancy in the office of lieutenant governor
2 by appointment.

3 Section 17 of Article IV of the Constitution of the State of
4 Iowa is repealed and the following adopted in lieu thereof:

5 **Lieutenant governor to assume the office of governor —**
6 **vacancy.** SEC. 17. If the governor dies, resigns, is removed
7 or impeached prior to acquittal or conviction, or is otherwise
8 unable to serve, the lieutenant governor shall become governor,
9 to the exclusion of any other office. If the preceding
10 governor becomes able to serve, the succeeding governor shall
11 again assume the office of lieutenant governor for the residue
12 of the term, to the exclusion of any other office.

13 Section 19 of Article IV of the Constitution of the State
14 of Iowa, as amended by amendment number 2 of the Amendments of
15 1952 and by amendment number 2 of the Amendments of 1988, is
16 repealed and the following adopted in lieu thereof:

17 **Succession to office of governor and lieutenant governor —**
18 **simultaneous inability to serve — qualification of successor**
19 **governor to office.** SEC. 19. If the governor and lieutenant
20 governor are simultaneously unable to serve, the president
21 of the senate shall become governor, followed by the speaker
22 of the house if the president of the senate is unable or
23 unwilling to serve, each succeeding, to the exclusion of the
24 powers and duties of any other office. If the governor or
25 lieutenant governor so succeeded becomes able to serve, the
26 governor or lieutenant governor shall assume the office to
27 which the governor or lieutenant governor qualified prior
28 to the inability, and any successor governor who has served
29 during the period of inability may assume the office to which
30 the successor governor previously qualified, if the successor
31 governor served as governor for less than one hundred ten
32 days.>

By ROBY SMITH

S-5120 (Continued)

S-5120 FILED MARCH 6, 2018

SENATE FILE 2243

S-5099

- 1 Amend Senate File 2243 as follows:
- 2 1. Page 1, line 4, by striking <provide> and inserting
- 3 <provide,>

By DENNIS GUTH

S-5099 FILED MARCH 6, 2018

ADOPTED

SENATE FILE 2293

S-5098

1 Amend Senate File 2293 as follows:

2 1. Page 1, after line 14 by inserting:

3 <Sec. _____. Section 321.20, subsections 2 and 4, Code 2018,
4 are amended to read as follows:

5 2. Notwithstanding contrary provisions of this chapter
6 or chapter 326 regarding titling and registration by means
7 other than electronic means, the department shall, by ~~January~~
8 July 1, 2018 2019, develop and implement a program to allow
9 for electronic applications, titling, registering, and funds
10 transfers for vehicles subject to registration in order to
11 improve the efficiency and timeliness of the processes and to
12 reduce costs for all parties involved. The program shall also
13 provide for the electronic submission of any statement required
14 by this section, except where prohibited by federal law.

15 4. Notwithstanding this section or any other provision of
16 law to the contrary, if the program required by subsection
17 2 is not implemented by ~~January~~ July 1, 2018 2019, an owner
18 of a vehicle subject to registration may apply to the county
19 treasurer of a county contiguous to the county designated for
20 the owner under subsection 1 for registration and issuance of a
21 certificate of title.>

22 2. By striking page 1, line 29, through page 2, line 10.

23 3. Page 2, line 29, by striking <but not limited to>

24 4. Page 2, line 35, by striking <amounts> and inserting
25 <compensation>

26 5. Page 3, by striking lines 2 through 5 and inserting
27 <services, including for parts, labor, and diagnostics.>

28 6. Page 3, by striking lines 6 through 12 and inserting:

29 <(1) In determining the schedule of compensation for parts,
30 the franchiser may multiply the price paid by the franchisee
31 for parts, including all shipping costs and other charges, by
32 the sum of one and the franchisee's average percentage markup.
33 The franchisee's average percentage markup is calculated by
34 subtracting one from the result of dividing the total amounts
35 charged by the franchisee for parts used in warranty-like

1 repairs by the total cost to the franchisee for the parts in
2 the retail service orders submitted pursuant to subparagraph
3 (3).>

4 7. Page 3, by striking lines 13 through 21 and inserting:
5 <(2) In determining the schedule of compensation for
6 labor-related warranty services, the franchiser may calculate
7 the franchisee's retail labor rate by dividing the total
8 amount of retail sales attributable to labor for warranty-like
9 services by the number of hours of labor spent to generate the
10 retail sales in the retail service orders submitted pursuant to
11 subparagraph (3).>

12 8. Page 4, line 3, by striking <amounts> and inserting
13 <markup or rate>

14 9. Page 4, line 15, by striking <reasonable amounts for the>
15 and inserting <a reasonable>

16 10. Page 4, line 27, after <markup> by inserting <or labor
17 rate>

18 11. Page 4, by striking lines 29 through 32 and inserting:
19 <(4) The compensation to the franchisee for warranty parts
20 and labor shall not be less than the rates charged by the
21 franchisee for like parts and services to retail customers,
22 provided the rates are reasonable.>

23 12. By striking page 4, line 35, through page 5, line 3.

24 13. Page 5, line 4, by striking <c.> and inserting <b.>

25 14. Page 5, line 10, before <form> by inserting <proper>

26 15. Page 5, line 20, before <required> by inserting
27 <reasonably>

28 16. Page 6, line 2, by striking <322.2> and inserting
29 <322.3>

30 17. Title page, by striking lines 1 and 2 and inserting
31 <An Act relating to motor vehicles, including provisions
32 concerning record retention at established places of business
33 of motor vehicle dealers, electronic titling and registration
34 of motor vehicles, and warranties and recalls of motor vehicle
35 franchises.>

S-5098 (Continued)

1 18. By renumbering as necessary.

By TIM KRAAYENBRINK

S-5098 FILED MARCH 6, 2018

ADOPTED

SENATE FILE 2311

S-5100

- 1 Amend Senate File 2311 as follows:
- 2 1. Page 12, before line 19 by inserting:
- 3 <Sec. _____. Section 476.6, subsection 15, Code 2018, is
- 4 amended by adding the following new paragraph:
- 5 NEW PARAGRAPH. *i.* A gas or electric utility required to
- 6 be rate-regulated under this chapter shall implement a tree
- 7 planting program, approved by the board, that is designed to
- 8 reduce energy costs.>
- 9 2. By renumbering as necessary.

By ROBERT M. HOGG

S-5100 FILED MARCH 6, 2018
WITHDRAWN

SENATE FILE 2311

S-5101

- 1 Amend Senate File 2311 as follows:
- 2 1. Page 12, before line 19 by inserting:
- 3 <Sec. _____. Section 476.6, subsection 15, Code 2018, is
- 4 amended by adding the following new paragraph:
- 5 NEW PARAGRAPH. *i.* Regardless of any provision to the
- 6 contrary, each gas or electric utility required to be
- 7 rate-regulated under this chapter shall provide rebates
- 8 to customers for energy efficient appliances and appliance
- 9 recycling programs to retire outdated, non-energy efficient
- 10 appliances.>
- 11 2. By renumbering as necessary.

By ROBERT M. HOGG

S-5101 FILED MARCH 6, 2018

LOST

SENATE FILE 2311

S-5102

- 1 Amend Senate File 2311 as follows:
- 2 1. Page 8, before line 19 by inserting:
- 3 <(3) Gas and electric utility customers shall not be
- 4 assessed any administrative costs associated with energy
- 5 efficiency plan or demand response plan management, including
- 6 costs related to the management of any customer lists for plan
- 7 enrollment or exemption, pursuant to subparagraph (1).>

By ROBERT M. HOGG

S-5102 FILED MARCH 6, 2018

WITHDRAWN

SENATE FILE 2311

S-5103

- 1 Amend Senate File 2311 as follows:
- 2 1. By striking page 19, line 11, through page 21, line 2.

By MICHAEL BREITBACH

S-5103 FILED MARCH 6, 2018

ADOPTED

SENATE FILE 2311

S-5104

- 1 Amend Senate File 2311 as follows:
- 2 1. Page 16, by striking lines 1 through 20.
- 3 2. By renumbering as necessary.

By MATT McCOY

S-5104 FILED MARCH 6, 2018

WITHDRAWN

SENATE FILE 2311

S-5106

- 1 Amend Senate File 2311 as follows:
- 2 1. Page 16, by striking lines 1 through 20.
- 3 2. By renumbering as necessary.

By MICHAEL BREITBACH

S-5106 FILED MARCH 6, 2018

ADOPTED

SENATE FILE 2311

S-5107

- 1 Amend Senate File 2311 as follows:
- 2 1. Page 3, line 21, by striking <subsections 1 through 4,>
- 3 2. Page 15, by striking lines 18 through 35.
- 4 3. By renumbering as necessary.

By ROBERT M. HOGG

S-5107 FILED MARCH 6, 2018

WITHDRAWN

SENATE FILE 2311

S-5108

1 Amend the amendment, S-5038, to Senate File 2311 as follows:

2 1. Page 1, by striking line 5 and inserting <~~unless the~~
3 ~~board otherwise approves.~~ The utility shall also represent
4 estimated savings from customer participation in previous
5 energy efficiency or demand response programs in customer
6 billings as a separate item, in an amount approved by the
7 board.>

By ROBERT M. HOGG

S-5108 FILED MARCH 6, 2018

LOST

SENATE FILE 2311

S-5109

- 1 Amend Senate File 2311 as follows:
- 2 1. Page 3, line 22, by striking <476.41 through 476.44,> and
- 3 inserting <476.41 through 476.44,>

By ROBERT M. HOGG

S-5109 FILED MARCH 6, 2018

LOST

SENATE FILE 2311

S-5110

1 Amend Senate File 2311 as follows:
2 1. Page 8, before line 19 by inserting:
3 <(3) A customer that is enrolled in an energy efficiency
4 plan or demand response plan offered by a gas or electric
5 utility shall not be assessed any costs associated with
6 construction, capital investment, energy, or any other costs
7 that the board determines the utility could have reasonably
8 avoided by energy efficiency or demand response investments not
9 made by the utility.>

By ROBERT M. HOGG

S-5110 FILED MARCH 6, 2018

LOST

SENATE FILE 2311

S-5115

- 1 Amend Senate File 2311 as follows:
- 2 1. Page 2, by striking lines 18 through 23.
- 3 2. By striking page 6, line 5, through page 9, line 7.
- 4 3. By striking page 10, line 6, through page 12, line 20.
- 5 4. By renumbering as necessary.

By ROBERT M. HOGG

S-5115 FILED MARCH 6, 2018

LOST

SENATE FILE 2311

S-5116

1 Amend Senate File 2311 as follows:

2 1. Page 8, before line 19 by inserting:

3 <(3) Gas and electric utility customers enrolled in energy
4 efficiency plans or demand response plans shall not be assessed
5 any administrative costs associated with energy efficiency plan
6 or demand response plan management, including costs related to
7 the management of any customer lists for plan enrollment or
8 exemption, pursuant to subparagraph (1).>

By ROBERT M. HOGG

S-5116 FILED MARCH 6, 2018

LOST

HOUSE AMENDMENT TO
SENATE FILE 2333

S-5113

1 Amend Senate File 2333, as passed by the Senate, as follows:
2 1. Page 1, by striking lines 1 through 11 and inserting:
3 <Section 1. Section 99B.31, subsection 1, paragraph h, Code
4 2018, is amended to read as follows:
5 *h.* The actual retail value of any prize does not exceed
6 ~~one~~ nine hundred fifty dollars. If a prize consists of more
7 than one item, unit, or part, the aggregate retail value of all
8 items, units, or parts shall not exceed ~~one~~ nine hundred fifty
9 dollars.>

S-5113 FILED MARCH 6, 2018

SENATE FILE 2343

S-5112

- 1 Amend Senate File 2343 as follows:
- 2 1. Page 1, lines 3 and 4, by striking <Notwithstanding any
- 3 other provision of law to the contrary, a> and inserting <A>

By ROBERT M. HOGG

S-5112 FILED MARCH 6, 2018

WITHDRAWN

SENATE FILE 2343

S-5117

1 Amend Senate File 2343 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 809.5, subsection 2, Code 2018, is
5 amended by adding the following new paragraph:

6 NEW PARAGRAPH. *d.* If the property is a motor vehicle seized
7 from a person accused of violating section 321.279, the state
8 has demonstrated that the claimant's possession of the property
9 would be a risk to public safety.>

By ROBERT M. HOGG

S-5117 FILED MARCH 6, 2018

WITHDRAWN

SENATE FILE 2346

S-5097

1 Amend Senate File 2346 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 49.31, subsection 1, Code 2018, is
5 amended to read as follows:

6 1. a. All ballots shall be arranged with the names of
7 candidates for each office listed below the office title.
8 For partisan elections the name of the political party or
9 organization which nominated each candidate shall be listed
10 after or below each candidate's name.

11 b. (1) The commissioner shall determine the order of
12 ~~political parties and nonparty political organizations~~
13 candidates on the ballot as provided in this paragraph. The
14 sequence order shall be the same for each office on the ballot
15 and for each precinct in the county voting in the election.
16 The commissioner shall arrange the ballot so that the
17 candidates of each political party, as defined in section 43.2,
18 for each partisan office appearing on the ballot shall appear
19 in descending order so that the candidates of the political
20 party whose candidate for governor received the greatest number
21 of votes in the commissioner's county at the most recent
22 general election for the office of the governor shall appear
23 first on the ballot, and the candidates of the political party
24 whose candidate for governor received the next greatest number
25 of votes in the commissioner's county in such an election
26 appear next on the ballot, and continuing in descending order
27 in the same manner.

28 (2) If the candidate for governor from two or more political
29 parties received the same number of votes in the county, the
30 commissioner shall determine the order of arranging political
31 party candidates for those political parties based upon the
32 number of votes received in the most recent general election
33 for the office of the governor for which the number of votes
34 received for the candidates of those political parties were
35 different.

1 c. The commissioner shall determine the order of candidates
2 of nonparty political organizations on the ballot. The order
3 shall be the same for each office on the ballot and for each
4 precinct in the county voting in the election.

5 Sec. 2. Section 49.31, subsection 2, paragraph b, Code 2018,
6 is amended to read as follows:

7 b. The Notwithstanding any provision of subsection 1,
8 paragraph "b", to the contrary, the commissioner shall then
9 arrange the surnames of each political party's candidates for
10 each office to which two or more persons are to be elected at
11 large alphabetically for the respective offices for the first
12 precinct on the list; thereafter, for each political party and
13 for each succeeding precinct, the names appearing first for
14 the respective offices in the last preceding precinct shall
15 be placed last, so that the names that were second before the
16 change shall be first after the change. The commissioner may
17 also rotate the names of candidates of a political party in the
18 reverse order of that provided in this subsection or alternate
19 the rotation so that the candidates of different parties shall
20 not be paired as they proceed through the rotation. The
21 procedure for arrangement of names on ballots provided in this
22 section shall likewise be substantially followed in elections
23 in political subdivisions of less than a county.>

24 2. Title page, by striking lines 1 through 4 and inserting
25 <An Act relating to the ballot arrangement for certain partisan
26 offices.>

By JAKE CHAPMAN

S-5097 FILED MARCH 6, 2018

ADOPTED

SENATE FILE 2346

S-5114

1 Amend the amendment, S-5097, to Senate File 2346 as follows:

2 1. Page 1, by striking line 13 and inserting <candidates
3 on the ballot as provided in this paragraph and paragraph "d".
4 The>

5 2. Page 1, by striking line 16 and inserting <Except as
6 described in paragraph "d", the commissioner shall arrange the
7 ballot so that the>

8 3. Page 2, before line 5 by inserting:

9 <d. (1) For candidates for the general assembly or the
10 office of a statewide elected official as defined in section
11 68B.2, the commissioner shall place at the top of the ballot
12 the candidates from the republican party and the democratic
13 party, and candidates not affiliated with any organization in
14 rotating order such that the entity whose candidate appeared
15 at the top of the ballot for one election shall appear in the
16 second position for the next election and continuing in a like
17 manner.

18 (2) The names of all other candidates shall be placed below
19 the names of the candidates described in subparagraph (1).>

By DAVID JOHNSON

S-5114 FILED MARCH 6, 2018

LOST

SENATE FILE 2362

S-5105

- 1 Amend Senate File 2362, as follows:
- 2 1. Page 2, line 3, after <resources.> by inserting
- 3 <In developing the plan, the institution shall consider
- 4 opportunities to mitigate the marginal costs of new editions
- 5 of existing textbooks.>

By AMY SINCLAIR

S-5105 FILED MARCH 6, 2018

SENATE FILE 2364

S-5111

1 Amend Senate File 2364 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. NEW SECTION. **280.30 High-quality school**
5 **building emergency operations plans.**

6 1. The board of directors of a school district and the
7 authorities in charge of each accredited nonpublic school
8 shall develop a high-quality emergency operations plan for the
9 district and individual school buildings in which students
10 are educated no later than June 30, 2019. The plan shall
11 include but not be limited to responses to active shooter
12 scenarios and natural disasters. The plan shall provide that
13 any alert regarding an emergency situation that is transmitted
14 to school personnel or students by electronic means shall
15 also be transmitted to the employer of any individual who is
16 not a school employee but who is required as a part of the
17 individual's employment to regularly be present in a school
18 building during the school year. The plan shall include
19 publication of procedures for school personnel, parents, and
20 guardians to report possible threats to the safety of students
21 or school personnel on school grounds or at school activities.
22 The board and authorities shall consider any recommendations
23 of the department of education relating to the development of
24 a high-quality emergency operations plan and shall consult
25 with local emergency management coordinators and local law
26 enforcement agencies in the development of the plan. The board
27 and authorities shall review and update the plan on an annual
28 basis. The plan shall be confidential and shall not be a
29 public record subject to disclosure under chapter 22.

30 2. The board of directors of a school district and the
31 authorities in charge of each accredited nonpublic school
32 shall require that all school personnel conduct at least once
33 per school year an emergency operations drill based on the
34 emergency operations plan in each individual school building
35 in which students are educated. Persons participating in

S-5111 (Continued)

1 the drill may include students. This subsection shall not
2 be construed to affect the requirements of section 100.31,
3 subsection 1.>

4 2. Title page, line 1, by striking <to conduct> and
5 inserting <and accredited nonpublic schools to develop
6 high-quality>

7 3. Title page, line 2, by striking <planning> and inserting
8 <plans>

By TIM KRAAYENBRINK

[S-5111](#) FILED MARCH 6, 2018
ADOPTED

SENATE FILE 2364

S-5118

1 Amend the amendment, S-5111, to Senate File 2364 as follows:

2 1. Page 2, by striking line 3 and inserting <subsection 1.

3 _____. For purposes of this section, an employee of an area
4 education agency may be considered an employee of a school
5 district.>>

6 2. By renumbering, redesignating, and correcting internal
7 references as necessary.

By TOD R. BOWMAN

S-5118 FILED MARCH 6, 2018

WITHDRAWN

SENATE FILE 2364

S-5119

1 Amend the amendment, S-5111, to Senate File 2364 as follows:

2 1. Page 2, by striking line 3 and inserting <subsection 1.

3 _____. For purposes of this section, an employee of an area
4 education agency shall be considered an employee of a school
5 district.>>

6 2. By renumbering, redesignating, and correcting internal
7 references as necessary.

By TOD R. BOWMAN

S-5119 FILED MARCH 6, 2018

LOST



SF 2197 – Vehicle Theft and Subsequent Felony (LSB5096XS)

Analyst: Alice Fulk Wisner (515.281.6764) alice.wisner@legis.iowa.gov

Fiscal Note Version – New

Description

Senate File 2197 relates to the theft of a motor vehicle that is then used in the commission of a felony. This Bill enhances the criminal penalties for motor vehicle theft if the vehicle is then used in the commission of a crime ranging from a forcible felony to a Class B felony, regardless of the value of the vehicle. Forcible felonies are defined under Iowa Code section [702.11](#) as felonious child endangerment, assault, murder, sexual abuse, kidnapping, robbery, human trafficking, arson in the first degree, or burglary in the first degree, with some exceptions.

This Bill would enhance the penalty for motor vehicle theft if the vehicle value is over \$10,000 and the vehicle is then used in the commission of a felony ranging from a Class C felony to a Class B felony. It would enhance the penalty for motor vehicle theft if the vehicle value is under \$10,000 and the vehicle is then used in the commission of a felony ranging from a Class D felony to a Class C felony.

Background

Under Iowa Code section [714.2\(1\)](#), motor vehicle theft is a Class C felony if the vehicle value is over \$10,000, and a Class D felony if the vehicle value is under \$10,000.

Convictions under Iowa Code section [714.2](#) cannot be broken out in the Justice Data Warehouse by property type of theft, so statewide data regarding the number of convictions for motor vehicle theft is not available.

Under Iowa Code section [714.7](#), operating a motor vehicle without consent (OMVWOC) is an aggravated misdemeanor. This Bill would enhance the penalty for OMVWOC if the vehicle is then used in the commission of a crime ranging from a forcible felony to a Class C felony. It would enhance the penalty for OMVWOC if the vehicle is then used in the commission of a crime ranging from a felony to a Class D felony.

In FY 2017, there were 642 convictions of OMVWOC. Of these, four cases involved an additional forcible felony, and 42 involved an additional felony conviction.

Table 1 shows estimates for sentencing to State prison, parole, probation, or community-based corrections (CBC) residential facilities; length of stay (LOS) under those supervisions; and supervision marginal costs per day for offenders convicted of non-person Class B, Class C, and Class D felonies and aggravated misdemeanors.

Table 1 – Sentencing Estimates

	Percent to Prison	Avg LOS Prison (months)	FY 17 Marginal Cost/Day Prison	Avg LOS Parole (months)	Percent to Probation	Avg LOS Probation (months)	FY 17 Avg Cost/Day Parole & Probation	Percent to CBC	FY 17 Marginal Cost/Day CBC	Percent to County Jail	Avg LOS County Jail (days)	Marginal Cost/Day Jail
B Felony Non-Persons	86.0%	26.9	\$17.52	30.9	30.0%	42	\$4.93	4.0%	\$10.56	49.0%	N/A	\$50.00
C Felony Non-Persons	75.0%	17.4	\$17.52	18	35.0%	34.9	\$4.93	12.0%	\$10.56	22.0%	N/A	\$50.00
D Felony Non-Persons	74.0%	11.3	\$17.52	13.4	34.0%	31.6	\$4.93	11.0%	\$10.56	26.0%	N/A	\$50.00
Aggvtld Mis Non-Persons	31.0%	6.4	\$17.52	5.7	53.0%	19.5	\$4.93	3.0%	\$10.56	65.0%	N/A	\$50.00

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner LOS; revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day. Additionally, reliable LOS data for county jails is not available.
- In FY 2017, four convictions of operating a motor vehicle without the owner's consent would have been enhanced to a Class C felony conviction, and 42 convictions would have been enhanced to a Class D felony conviction.

Impacts**Minority Impact**

It is not possible to determine if the Bill has a minority impact. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 29, 2018, for information related to minorities in the criminal justice system.

Correctional Impact

There would be no new convictions under [SF 2197](#). The correctional impact of the Bill would be to shift existing convictions because of the penalty enhancement. This would lead to higher costs of prosecution, higher percentages of convicted offenders being sentenced to prison, and longer LOS. Refer to the LSA memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 8, 2018, for information related to the correctional system.

Fiscal Impact

Table 2 shows the estimated fiscal impact of enhancing penalties for offenders convicted of OMVWOC and also a felony or forcible felony.

Table 2 – Estimate of Partial Fiscal Impact of SF 2197

<u>Offense</u>	<u>Cost Range</u>	<u>Conviction Shift</u>		<u>Cost Increase Estimate</u>	
		<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2019</u>	<u>FY 2020</u>
C Felony	\$9,000 - \$17,200	2	4	\$ 30,300	\$ 60,600
D Felony	\$7,900 - \$12,100	21	42	231,168	462,336
Aggravated Misdemeanor	\$3,300 - \$6,600	-23	-46	(99,429)	(198,858)
Net Change		<u>0</u>	<u>0</u>	\$ 162,039	\$ 324,078

It is not possible to estimate the fiscal impact of enhancing penalties for offenders convicted of motor vehicle theft and also a felony or forcible felony. The State's cost for one additional conviction under this Bill is:

- \$9,000 to \$17,200 for a Class C felony.
- \$12,500 to \$29,600 for a Class B felony.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections
Judicial Branch, Office of the State Court Administrator
Office of the State Public Defender

/s/ Holly M. Lyons

March 6, 2018

The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.



SF 2361 – Student Debt Reduction (LSB5982SV)

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Fiscal Note Version – New

Description

[Senate File 2361](#) requires that undergraduate students enrolled at the State universities who will graduate on or after July 1, 2019, complete a one-credit-hour financial literacy course prior to graduation.

The Bill requires that the Board of Regents develop and implement a policy to provide certain information to each undergraduate student who has declared an intention to pursue a degree program at a State university. The information must be provided annually and be based on the most recent available data regarding graduates of the selected degree program, including:

- The employment rate of program graduates one year after graduation.
- The percentage of graduates who entered a postgraduate degree program within one year of graduation.
- The average starting salary of program graduates.
- The average student debt upon graduation for graduates completing the program.

The Bill also requires the Board of Regents to develop and implement a policy to provide undergraduate students enrolled in degree programs with information that would facilitate the students' ability to complete their selected programs in three academic years.

Background

The State universities are accredited by the Higher Learning Commission (HLC). Under the HLC's accreditation requirements, the credit-bearing financial literacy course must be taught by faculty with a master's degree in a relevant field, such as business administration.

All three State universities currently require all incoming students, including transfers, to participate in programming that includes financial literacy. At the University of Iowa and Iowa State University, the program is mostly online. The University of Northern Iowa's program combines online and face-to-face components. None of the programs are credit-bearing.

Assumptions

Financial Literacy Course — Because [SF 2361](#) requires that all undergraduate students graduating on or after July 1, 2019, take the financial literacy course, the universities would need to offer the course to both freshmen and seniors for the first three years. After that, the course would be offered to incoming freshmen only. Approximately 14,000 freshmen would be required to take the course each year. In each of the first three years, an additional 14,000 seniors would be required to take the course.

An additional 73 qualified instructors would be required to teach the course across the three universities on an ongoing basis, at an annual cost of \$50,000 per instructor for salaries and benefits, or a total of approximately \$3.7 million. For the first three years, the cost would be doubled (\$7.3 million) due to providing the course to graduating seniors.

The three universities would have additional program administration costs related to the financial literacy course. In the first year, the one-time cost of curriculum development is estimated to be \$50,000. Initial faculty hiring and development in the first year is estimated to cost \$300,000. Faculty hiring and development costs are estimated to be \$100,000 annually in subsequent years. In addition, the universities would have ongoing annual costs of \$25,000 for evaluation and assessment and \$175,000 for facilities and other costs. Total program administration costs would be \$550,000 in FY 2019 and \$300,000 annually in subsequent years.

Most students would take the course as part of the semester course load covered by the standard tuition rate and would not pay additional tuition. Approximately 450 part-time students annually would pay for the additional credit hour, at a rate of \$318 per credit hour or a total of \$143,000 in additional revenue.

Table 1 below summarizes the estimated cost to the three universities for the one-credit-hour financial literacy course:

	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Salaries and Benefits	\$ 7,300,000	\$ 7,300,000	\$ 7,300,000	\$ 3,700,000	\$ 3,700,000
Curriculum Development	50,000	0	0	0	0
Faculty Hiring and Development	300,000	100,000	100,000	100,000	100,000
Evaluation and Assessment	25,000	25,000	25,000	25,000	25,000
Facilities and Other Costs	175,000	175,000	175,000	175,000	175,000
Part-Time Student Tuition	-143,000	-143,000	-143,000	-143,000	-143,000
Total	<u>\$ 7,707,000</u>	<u>\$ 7,457,000</u>	<u>\$ 7,457,000</u>	<u>\$ 3,857,000</u>	<u>\$ 3,857,000</u>

Employment and Student Debt Information — The cost of this provision would depend, in part, on the policy developed and implemented by the Board of Regents. The information required to be disseminated is already available but would need to be analyzed and updated more frequently. This work could result in shifting staff away from current responsibilities in the areas of institutional research, communications, academic affairs, career services, and financial aid.

Three-Year Completion Information — The Board of Regents does not anticipate additional costs related to this provision of the Bill. Advisors would receive training to ensure that students are provided with the required information.

Fiscal Impact

[Senate File 2361](#) is estimated to cost the three State universities a total of \$7.7 million in FY 2019, \$7.5 million annually in FY 2020 and FY 2021, and \$3.7 million annually in subsequent years. The estimate does not include adjustments for inflation. The estimate does not include costs associated with staff time to provide the employment and student debt information required in the Bill. These costs cannot be estimated without additional information.

Source

Board of Regents

/s/ Holly M. Lyons

March 6, 2018

The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
